

AMENDED IN ASSEMBLY JUNE 23, 2010

AMENDED IN ASSEMBLY JUNE 14, 2010

AMENDED IN SENATE MAY 11, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 6, 2010

SENATE BILL

No. 1332

Introduced by Senator Dutton

February 19, 2010

An act to add and repeal Section 107046 of the Health and Safety Code, relating to radiologic technology, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1332, as amended, Dutton. Radiologic technology.

Existing law requires the State Department of Public Health to approve schools for radiologic technologists that, in the judgment of the department, will provide instruction adequate to prepare individuals to meet requirements for certification as radiologic technologists under the Radiologic Technology Act. Existing law also requires the department to adopt reasonable standards for approved schools, for procedures for obtaining and maintaining approval, and for revocation of approval where standards are not maintained.

Existing law authorizes the department, when approving a school for radiologic technologists, to take into consideration accreditation, approval, or certification of the school by other agencies or organizations if the department finds that accreditation, approval, or certification was granted on the basis of standards that will afford the same protection

to the public as the standards provided by the Radiologic Technology Act or the regulations adopted pursuant thereto.

This bill, until January 1, 2015, would require the department, subject to specified conditions, to approve a school that presents certification that the school has met specified requirements for certification by the Joint Review Committee on Education in Radiologic Technology (JRCERT) but would specify that a school is not required to have this certification to be approved by the department. The bill would also provide a system of provisional permitting and a method for the department to revoke, suspend, limit, or condition a school's permit. The bill would also require the department to adopt the standards through a specified process before approving schools.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 107046 is added to the Health and Safety
- 2 Code, to read:
- 3 107046. (a) In addition to the approval process in Sections
- 4 107045 and 107050, a diagnostic or therapeutic radiologic
- 5 technology school that has been recognized by the Joint Review
- 6 Committee on Education in Radiologic Technology (JRCERT) as
- 7 meeting *either the Standards for an Accredited Educational*
- 8 *Program in Radiologic Sciences, revised in 2001, or the Standards*
- 9 *for an Accredited Educational Program in Radiography*, as adopted
- 10 ~~April 1, in April 2010~~, shall be approved as a diagnostic or
- 11 therapeutic radiologic technology school, upon the school's
- 12 furnishing verification to the department of current satisfactory
- 13 JRCERT certification. The department shall post the standards, as
- 14 published by JRCERT, on the department's Internet Web site.
- 15 (b) This section shall only apply to schools teaching diagnostic
- 16 or therapeutic radiologic programs.
- 17 (c) This section shall only be implemented if both of the
- 18 following are complete:
- 19 (1) The standards set forth in subdivision (a) are available to
- 20 the department and schools free of charge and accessible on the
- 21 department's Internet Web site or through a link to the standards.

(2) To the extent consistent with federal and state health privacy laws and with its authority pursuant to this chapter, the department has an agreement with the Joint Review Committee on Education in Radiologic Technology to provide access to the following information:

- (A) School accreditation materials.
- (B) Allegation of noncompliance by a school.
- (C) Program reviews performed on schools located in California.
- (d) A diagnostic or therapeutic radiologic technology school

that is in the process of obtaining recognition by JRCERT as meeting the standards referenced in subdivision (a) shall be provisionally approved and provided a conditional permit, provided that all of the following conditions are met:

- (1) The school's instructors all hold either a certificate in radiologic technology, as appropriate, issued in accordance with subdivision (b) of Section 114870, or a licentiate's certificate or permit, as appropriate, issued in accordance with subdivision (e) of Section 114870.

- (2) All use of X-ray machines by the school's students or instructors, including all machines used at the school's affiliated clinical sites, are in compliance with the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9), including registration requirements.

- (3) All clinical sites used by the school have an affiliation agreement with the school.

- (4) The school has a radiation protection program in place that meets the standards for protection against radiation, as set forth in the department's regulations adopted pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9).

- (e) Nothing in this section shall be construed to prevent a diagnostic or therapeutic radiologic technology school that is not accredited by JRCERT from being approved pursuant to Sections 107045 and 107050.

- (f) Before approving a school pursuant to this section, the department shall adopt the standards referred to in subdivision (a). At least 45 days prior to adoption, the department shall post the proposed standards on its Internet Web site. Public comment shall be accepted by the department for at least 30 days after the proposed standards are posted. If a member of the public requests

1 a public hearing during the 30-day review period, the hearing shall
2 be held prior to adoption of the standards. Changes to the standards
3 shall be made following the same process. Adoption of, and
4 changes to, the standards pursuant to this subdivision shall not be
5 subject to the rulemaking requirements of Chapter 3.5
6 (commencing with Section 11340) of Part 1 of Division 3 of Title
7 2 of the Government Code and written responses to public
8 comment shall not be required.

9 (g) Department approval of a diagnostic or therapeutic radiologic
10 technology school granted as described in this section, including
11 provisional approval granted pursuant to subdivision (c), may be
12 subsequently revoked, suspended, limited, or conditioned by the
13 department, for either of the following reasons:

14 (1) Violation of a provision of the Radiologic Technology Act
15 (Section 27) ~~or any regulation adopted pursuant to that act~~, or
16 violation of any provision of the Radiation Control Law or its
17 regulations.

18 (2) Nonpayment of fees prescribed in accordance with Section
19 107090 or 107095.

20 (h) Nothing in this section shall be construed to limit or
21 otherwise abridge the department's authority to inspect diagnostic
22 or therapeutic radiologic technology schools or their clinical sites
23 as otherwise provided by law.

24 (i) A diagnostic or therapeutic radiologic technology school
25 approved pursuant to this section shall provide the department
26 with written notice of any JRCERT action revoking, suspending,
27 conditioning, or denying a school's JRCERT accreditation. This
28 notice shall be given to the Radiologic Health Branch of the
29 department within 10 days of the JRCERT action.

30 (j) Proceedings to revoke, suspend, limit, or condition school
31 approval, including approvals initially granted pursuant to
32 subdivision (b), shall be conducted in accordance with Chapter 5
33 (commencing with Section 11500) of Part 1 of Division 3 of Title
34 2 of the Government Code, and the department shall have all the
35 powers granted therein.

36 (k) This section shall remain in effect only until January 1, 2015,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2015, deletes or extends that date.

39 SEC. 2. This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety within

1 the meaning of Article IV of the Constitution and shall go into
2 immediate effect. The facts constituting the necessity are:
3 In order to protect the health and safety of patients and to enable
4 radiologic technology schools to accept students in programs for
5 the 2010–11 fall semester, it is necessary for this act to take effect
6 immediately.

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